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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,323	07/30/2001	Mark A. Kirkpatrick	BS01-091	9192

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WITHERS & KEYS FOR BELL SOUTH
P. O. BOX 71355
MARIETTA, GA 30007-1355

EXAMINER

NGUYEN, TRONG NHAN P

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,323

Applicant(s)

KIRKPATRICK ET AL.

Examiner

Jack P Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-62 are being examined.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-9, 12-15, 18, 25-38, 40, 41, 46-51, 53-58, and 60-61 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-41 of copending Application No. 09/916288. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the copending application have all the limitations in the claims of the present application. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-9, 12-15, 18, 25-38, 40, 41, 46-51, 53-58, and 60-61 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as

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being unpatentable over claims 1-41 of copending Application No. 09/916330. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the copending application have all the limitations in the claims of the present application. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 36 and 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claims 36 and 48 contain the trademark/trade name Oracle. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe database system and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 15-22, 26-28, 35-44, 46-51, and 59-60 are rejected under 35

U.S.C. 102(b) as being anticipated by Whitehead et al, 6,085,030 (Whitehead hereafter).

As per claim 2, Whitehead teaches a client-server computer system comprising:
a plurality of client application servers (104, fig. 1, col. 6, lines 15-19; *some of the nodes in element 104 designate as client application servers*) operating multiple computer network protocols (col. 2, lines 54-57; *system operates using plurality of network protocols including UDP, TCP/IP, SAP, etc.*);

an application server (280, fig. 2, col. 14, lines 6-7; *now refers to as component management server (CMS)*) network accessible by said plurality of client application servers via at least one application software protocol (col. 2, lines 39-41; *Java service broker application protocol such as Remote Method Invocation (RMI) is being deployed in the system*), wherein said application server provides configuration information in response to at least one configuration request from at least one client application server (abstract, col. 8, lines 3-14); and,

a storage medium coupled to said application server network, said storage medium for storing system current configuration information, wherein said storage medium is administered by a server coupled to said client-server system (250, fig. 2,

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col. 7, lines 55-61; col. 8, lines 44-46; *persistent storage of component registry stores configuration information manageable and administrable by component administration application (260, fig. 2) coupled to the application server*).

Claims 1 and 15 are rejected for similar reasons as claim 1 addressed above.

As per claims 3 and 5, Whitehead teaches the storage medium comprises Oracle database (col. 8, line 1) and tables are searchable by said application server network in response to a request from at least one client (col. 8, lines 3-9; *server searches in storage tables for desired data in response to client request*.)

As per claims 4, 6, 7 and 8, Whitehead teaches the storage schema of configuration information in the form of Lightweight Directory Access Protocol (or LDAP) [col. 7, lines 62-66] and configuration information is dynamically updateable by an external administrator (880, fig. 8A, col. 13, line 67 – col. 14, lines 7; *administrator can dynamically configure and update all groups and their individual components*.)

As per claims 9-10, Whitehead teaches at least one client is coupled to application server network via a Java RMI application interface (col. 2, lines 39-41; see *RMI reference in claim 2 above*).

As per claims 16, 17, 19, 39, and 41 are rejected for similar reasons as claim 2. Whitehead further teaches the means for interfacing said plurality of client application (104, fig. 1, col. 6, lines 15-19; *some of the nodes in element 104 designate as client application servers*) and database (250, fig. 2; *component registry stores component functions in the database*) servers to means for performing configuration services

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includes a CORBA server application (330, fig. 3) and for handling (Java) RMI (col. 9, line 3) requests for configuration services (col. 9, lines 47-56.)

Claims 18, 27, 36, 40, 48, and 49 are rejected for similar reasons as claims 3-8 addressed above.

Claims 20, 22, 42, 44, and 59 are rejected for similar reasons as claims 9-10 above.

Claims 21, 26, 35, 38, and 43 are rejected for similar reasons as claims 2, 16, 17, 19, 39, and 41 addressed above.

Claim 46 is rejected for similar reasons as claims 2-8 addressed above.

Whitehead further teaches means for updating said relational database based on current configuration requirements of said system (col. 8, lines 19-22); means for sending a configuration result from the application server (280, fig. 2; *CMS*) to customer (210, fig. 2; *component consumer application is the requesting customer*) based at least in part on the configuration request (col. 8, lines 32-35).

Claims 47, 50, 51, and 60 are rejected for similar reasons as claim 46 addressed above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-14, 23-25, 29-34, 45, 52-58, and 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehead in view of Bahrs et al, 6,782,508 (Bahrs hereafter).

As per claims 11-14, Whitehead does not teach configuration information is stored and retrieved from said storage medium via Key Value Pairs or Hash table. However, Bahrs discloses data objects stored by storage medium can be accessed using key/value pairs (col. 31, line 67) and hash table (col. 61, lines 14-17). Hence, it would have been obvious to one of ordinary skill in the art to use key/value pair and hash table to accelerate and optimize the configuration and validation of desired data elements during data processing.

As per claim 23, Whitehead teaches client application servers can send requests to CMS for data components and services processing using a plurality of application protocols such as Distributed Component Object Model (DCOM) [col. 2, line 1], Java RMI (col. 2, line 39), Common Object Request Broker Architecture (CORBA) [col. 2, line 63], etc. Whitehead does not specifically teach service broker framework implemented using XML configuration file. However, Bahrs teaches data objects can be supported by using XML (col. 15, line 54). Hence, it would have been obvious to one of ordinary skill in the art to use XML among other technologies (col. 15, lines 54-55) to build applications to share and exchange data across the Internet as disclosed in [col. 65, lines 54-56.]

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Claims 24, 25, 33, 34, 57, and 58 are rejected for similar reasons as claims 11-14 addressed above.

Claims 29-30 are rejected for similar reasons as claims 4, 6, 7, and 8 addressed above. Whitehead further teaches administrative manipulation functions can be done and distributed to systems over the entire network (col. 10, line 67 – col. 11, line 5). Whitehead does not specifically disclose configuration functions could be maintained remotely. However, it is well known and would have been obvious to one of ordinary skill in the art to modify the teachings of Whitehead to provide administrative functions that could be accessed remotely from any location in a distributed network system by a plurality of authorized users to save on support costs by increasing operational efficiency.

As per claims 31-32, Bahrs teaches data can be in the form of a string (col. 17, line 42).

Claims 45, 56, and 62 are rejected for similar reasons as claims 11-14 addressed above.

As per claims 52-55 and 61, Whitehead teaches creating a connection between property server objects and data schemas and pooling server objects with client application servers (col. 8, lines 3-9; *server objects are being processed in component registry in response to client application requests*). Whitehead does not teach initializing property server objects. Bahrs teaches initializing graphical components of data containers (col. 32, lines 35-38; *panel is a data container that stores data objects and components as disclosed in [col. 32, lines 23-24 and 26]*). Hence, it would have

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been obvious to one of ordinary skill in the art to initialize data objects to desired values in order to refresh residual data that may be undesirable.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Moshfeghi, 6,476,833; Fujino et al, 6,085,222 ; Ruckdashel, 6,038,542 ; Bowman-Amuah, 6,697,824 ; Sundermier, 6,484,214 ; Carlson, 6,697,849 ; Periwal, 6,163,776; Allen et al, 6,078,918

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack P Nguyen whose telephone number is (703) 605-4299. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jpn

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Dung C. Dinh
Primary Examiner